

SERVICE DATE – LATE RELEASE JUNE 4, 2015

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. EP 665 (Sub-No. 1)

RAIL TRANSPORTATION OF GRAIN, RATE REGULATION REVIEW

Decided: June 4, 2015

By decision served on May 8, 2015, the Board scheduled a public hearing for June 10, 2015, beginning at 9:30 a.m., at its offices in Washington, D.C., to further examine issues related to the accessibility of rate complaint procedures for grain shippers and provide interested persons the opportunity to comment on the modifications to the existing procedures and the alternative rate relief methodologies proposed during the public comment period. The schedule of appearances, with allotted times, is in the Appendix to this decision. Following the hearing, the record will remain open until June 24, 2015, during which time parties may submit written rebuttal testimony. Because the Board will accept written rebuttal testimony, it is unnecessary for parties to present rebuttal arguments at the hearing as some have requested.

If a party wishes to enhance its presentation by using visual displays and/or handouts, it may do so. Parties may submit computer presentations via e-mail on or before June 8, 2015, to Computer.Support@stb.dot.gov with the subject line, "Speaker Presentation, Docket No. EP 665 (Sub-No. 1)." Alternatively, parties may copy computer presentations to a Board-supplied laptop for viewing on the hearing room's television screens. Staff will be available to demonstrate the hearing room's screen system and to assist in the copying of visual presentations onto the hearing room laptop computer on June 9, 2015, from 9:00 a.m. to 12:00 p.m. Please call (202) 245-0245 to make arrangements. Parties using computer presentations must submit for filing 10 paper copies of the presentation at the hearing.

Instructions for Attendance at Hearing

The STB requests that all persons attending the hearing use the main entrance to Patriots Plaza I at 395 E Street, S.W. (entrance on E Street closest to 4th Street). There will be no reserved seating, except for those scheduled to present comments. The building will be open to the public at 7:00 a.m., and participants are encouraged to arrive early. There is no public parking in the building. The two closest Metro stops to the Board are on the Blue, Orange, and Silver Lines at Federal Center S.W., 3rd and D Streets, S.W., and on the Yellow, Green, Blue, Orange, and Silver Lines at L'Enfant Plaza, 6th and D Streets, S.W.

Upon arrival, check in at the 1st floor security desk in the main lobby. Be prepared to produce valid photographic identification (driver's license or local, state, or Federal government identification); sign in at the security desk; receive a hearing room pass (to be displayed at all

times); submit to an inspection of all briefcases, handbags, etc.; and pass through a metal detector. Persons choosing to exit the building during the course of the hearing must surrender their hearing room passes to security personnel and will be subject to the above security procedures if they choose to re-enter the building. Hearing room passes likewise will be collected from those exiting the hearing upon its conclusion. Those persons testifying must check in with the clerk at the front of the hearing room.

Laptops and recorders may be used in the hearing room, but no provision will be made for connecting personal computers to the internet. Cellular telephone use is not permitted in the hearing room; cell phones may be used quietly in the corridor surrounding the hearing room, or in the building's main lobby.

Members of the media should contact Dennis Watson in the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0234, if they plan to attend the hearing.

The Board's hearing room complies with the Americans with Disabilities Act, and persons needing such accommodations should call (202) 245-0245, by the close of business on June 8, 2015.

For further information regarding the hearing, contact Valerie Quinn at (202) 245-0382. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at (800) 877-8339.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The hearing will be held on June 10, 2015, beginning at 9:30 a.m., in the Board's hearing room, at 395 E Street, S.W., Washington, DC.
2. Time for presenting at the hearing is allotted as reflected in the Appendix to this decision.
3. Following the hearing, the record will remain open until June 24, 2015, during which time parties may submit written rebuttal testimony.
4. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings

APPENDIX

SCHEDULE OF APPEARANCES

WEDNESDAY, JUNE 10, 2015 (COMMENCING AT 9:30 A.M.)

<u>Party</u>	<u>Time Allotted</u>
Panel I	
The United States Department of Agriculture Under Secretary Edward Avalos Deputy Under Secretary Gary Woodward	10 minutes
The Montana Department of Agriculture Cort Jensen, Chief Legal Counsel Benjamin Tiller, Staff Attorney	15 minutes
Panel II	
The Association of American Railroads Timothy J. Strafford, Counsel John T. Gray, Senior Vice President, Policy & Economics	25 minutes
Panel III	
The National Grain and Feed Association Kevin Thompson, Chairman, Rail Shipper/Receiver Committee; and Assistant Vice President and Transportation Lead for Cargill Incorporated Bruce Sutherland, Vice President, Michigan Agricultural Commodities Thomas D. Crowley, President, L.E. Peabody & Associates, Inc. Thomas W. Wilcox, Principal, GKG Law, P.C.	55 minutes
Panel IV	
Transportation Research Board of the National Academy of Sciences Dr. Richard Schmalensee, Dean Emeritus, MIT Sloan School of Management	30 minutes
Panel V	
Union Pacific Railroad Company Louise A. Rinn, Associate General Counsel	15 minutes

BNSF Railway Company	20 minutes
John H. Miller, Group Vice President for Agriculture	
Jill Mulligan, Associate General Counsel, Regulatory	

Canadian National Railway Company	10 minutes
Theodore K. Kalick, Senior U.S. Regulatory Counsel	

Panel VI

Norfolk Southern Railway Company	15 minutes
Patrick J. Simonic, Group Vice President–Agriculture, Fertilizer, and Consumer Products	
John M. Scheib, General Counsel–Commerce	

CSX Transportation, Inc.	10 minutes
Timothy McNulty, Assistant Vice President Sales and Marketing	

Canadian Pacific Railway Company	10 minutes
James Clements, Vice President Strategic Planning and Transportation Services	
Charles W. Webster, Counsel	

Panel VII

Alliance for Rail Competition, et al.	40 minutes
Terry Whiteside, Registered Practitioner, Whiteside & Associates	
G.W. Fauth, III, President, G. W. Fauth & Associates, Inc.	
John M. Cutler, Jr., Counsel	

Panel VIII

Growth Energy	5 minutes
Chris Bliley, Director, Regulatory Affairs	

Michigan Agri-Business Association	10 minutes
James E. Byrum, President	

TTMS Group	20 minutes
Kevin Kaufman, Managing Partner	

SMART-TD, General Committee of Adjustment (GO-386)	3 minutes
Gordon P. MacDougall, Counsel	